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[Proposed] Attorneys for the Official Committee of
Unsecured Creditors

UNITED STATES BANKRUPTCY COURT

CENTRAL DISTRICT OF CALIFORNIA

NORTHERN DIVISION

In re:

HVI CAT CANYON, INC.

Debtor.

Case No.: 19-bk-11753-MB

Chapter 11

**NOTICE OF FILING OF APPLICATION
FOR APPROVAL OF THE EMPLOYMENT
OF COLE SCHOTZ P.C. AS CO-COUNSEL
TO THE OFFICIAL COMMITTEE OF
UNSECURED CREDITORS, EFFECTIVE
FOR THE PERIOD AUGUST 27, 2019
THROUGH SEPTEMBER 11, 2019**

[No Hearing Required]

**TO THE HONORABLE MARTIN R. BARASH, UNITED STATES BANKRUPTCY JUDGE,
THE DEBTOR AND DEBTOR IN POSSESSION, THE OFFICE OF THE UNITED STATES
TRUSTEE, AND ALL PARTIES REQUESTING SPECIAL NOTICE:**

PLEASE TAKE NOTICE the Official Committee of Unsecured Creditors (the “Committee”) appointed in the bankruptcy case of HVI Cat Canyon, Inc. (the “Debtor”), has filed its application (the “Application”) to employ Cole Schotz P.C. as its co-counsel (“Cole Schotz”) for the limited period of August 27, 2019 through September 11, 2019 (the “CS Retention Period”) for the performance of the following services during that time:

- advise the Committee with respect to its rights, duties, and powers in this Chapter 11 Case;
- assist and advise the Committee in its consultations with the Debtor relative to the administration of this Chapter 11 Case;
- assist the Committee in analyzing the claims of the Debtor’s creditors and the Debtor’s capital structure and in negotiating with holders of claims;

- assist the Committee in its investigation of the acts, conduct, assets, liabilities, and financial condition of the Debtor, and its insiders and affiliates, and of the operation of the Debtor's businesses;
- assist the Committee in its investigation of the liens and claims of the Debtor's lenders and the prosecution of any claims or causes of action revealed by such investigation;
- assist the Committee in its analysis of, and negotiations with, the Debtor or any third-party concerning matters related to, among other things, the assumption or rejection of leases of nonresidential real property and executory contracts, asset dispositions, financing or other transactions, and the terms of one or more plans of reorganization for the Debtor and accompanying disclosure statements and related plan documents;
- assist and advise the Committee in communicating with unsecured creditors regarding significant matters in this Chapter 11 Case;
- represent the Committee at hearings and other proceedings;
- review and analyze applications, orders, statements of operations, and schedules filed with the Court and advise the Committee as to their propriety;
- assist the Committee in preparing pleadings and applications as may be necessary in furtherance of the Committee's interests and objectives;
- prepare, on behalf of the Committee, any pleadings, including without limitation, motions, memoranda, complaints, adversary complaints, objections or comments in connection with any of the foregoing;
- handle matters that are not appropriately handled by lead Committee counsel, Pachulski Stang Ziehl & Jones LLP, because of actual and potential conflict of interest issues; and
- perform such other legal services as may be required or requested or as may otherwise be deemed in the interests of the Committee in accordance with the Committee's powers and duties as set forth in the Bankruptcy Code, Bankruptcy Rules or other applicable law.

PLEASE TAKE FURTHER NOTICE that subject to the provisions of the Bankruptcy Code, the Bankruptcy Rules, the Local Bankruptcy Rules, the United States Trustee Guidelines, and this Court's rules, Cole Schotz requests that its customary hourly rates in effect from time to time be utilized to reimburse Cole Schotz according to its customary reimbursement policies. The attorneys and paralegals who were primarily responsible for representing the Committee during the CS Retention Period, and their standard hourly rates are:¹

¹ Pursuant to Cole Schotz's internal operating procedures, Cole Schotz generally adjusts the hourly rates of its professionals annually, to take effect September 1 of that year. In light of the *di minimus* amount of time expended by Cole Schotz professionals from August 27, 2019 to August 31, 2019, the administrative burden and costs associated therewith for adjusting time entries, and the time and costs declaring and explaining the same in any monthly fee statement, interim fee application, and final fee application, Cole Schotz will charge the rates effective September 1, 2019 through the remainder of the CS Retention Period.

<u>Name</u>	<u>Title</u>	<u>Hourly Rate</u>
Michael D. Warner	Member	\$840
Benjamin L. Wallen	Associate	\$350
Kerri LaBrada	Paralegal	\$265

Other attorneys, paralegals, and case management clerks may assist in representing the Committee. The range of hourly rates for such professionals are, at this time, as follows:

	<u>Rates</u>
Members	\$430 - \$990
Associates	\$260 - \$480
Paralegals	\$175 - \$305

PLEASE TAKE FURTHER NOTICE that Cole Schotz has not received any retainer in connection with this case. Cole Schotz understands that its compensation in the case is subject to the prior approval of the Court. No compensation will be paid except upon application to and approval by the Court after notice and a hearing in accordance with sections 330 and 331 of the Bankruptcy Code, Bankruptcy Rule 2016, and Local Bankruptcy Rule 2016-1.

PLEASE TAKE FURTHER NOTICE that pursuant to Local Bankruptcy Rule 2014-1(b), a hearing is not required in connection with the Application unless requested by the United States Trustee, a party in interest, or otherwise ordered by the Court. Pursuant to Local Bankruptcy Rule 2014-1(b)(3)(E), any response to the Application and request for hearing must be in the form prescribed by Local Bankruptcy Rule 9013-1(f)(1) and must be filed with the Court and served upon the Committee, its proposed counsel, and the United States Trustee no later than fourteen days from

1 the date of service of this notice. A copy of the Application can be obtained by contacting Beth Dassa,
2 Paralegal, Pachulski Stang Ziehl & Jones LLP, 10100 Santa Monica Boulevard, 13th Floor, Los
3 Angeles, CA 90067, Telephone: (310) 277-6910, Facsimile (310) 201-0760, email:
4 bdassa@pszjlaw.com.

5 Dated: October 1, 2019

PACHULSKI STANG ZIEHL & JONES LLP

6
7 By /s/ Jeffrey N. Pomerantz
[Proposed] Attorneys for Official Committee
8 of Unsecured Creditors
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PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:
10100 Santa Monica Boulevard, 13th Floor, Los Angeles, CA 90067

A true and correct copy of the foregoing document entitled (*specify*): **NOTICE OF FILING OF APPLICATION FOR APPROVAL OF THE EMPLOYMENT OF COLE SCHOTZ P.C. AS CO-COUNSEL TO THE OFFICIAL COMMITTEE OF UNSECURED CREDITORS, EFFECTIVE FOR THE PERIOD AUGUST 27, 2019 THROUGH SEPTEMBER 11, 2019** will be served or was served **(a)** on the judge in chambers in the form and manner required by LBR 5005-2(d); and **(b)** in the manner stated below:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On (*date*) **October 2, 2019**, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

☒ Service information continued on attached page

2. SERVED BY UNITED STATES MAIL:

On (*date*) **October 2, 2019**, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

VIA U.S. MAIL

Office of the U.S. Trustee
Brian Fittipaldi
1415 State Street, Suite 148
Santa Barbara, CA 93101

☒ Service information continued on attached page

3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL (*state method for each person or entity served*): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on (*date*) **October 2, 2019**, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

VIA OVERNIGHT DELIVERY

Honorable Martin R. Barash
U.S. Bankruptcy Court
21041 Burbank Boulevard, Suite 342 / Courtroom 303
Woodland Hills, CA 91367-6603

☒ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

October 2, 2019
Date

Nancy H. Brown
Printed Name

/s/ Nancy H. Brown
Signature

SERVICE INFORMATION FOR CASE NO. 19-bk-11573-MB**1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF)**

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This form is mandatory. It has been approved for use by the United States Bankruptcy Court for the Central District of California.

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This form is mandatory. It has been approved for use by the United States Bankruptcy Court for the Central District of California.

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